

Dec 12 2018

46

DUANE L. BERRY

CASE NO.

(Petitioner) 525 Clinton
Detroit, MI 48226

v.

STATE OF MICHIGAN (Respo)

DEPARTMENT OF HEALTH et al.)

(SEE ATTACHED CERTIFICATE OF SERVICE FOR ADDRESSES AND COMPLETE NAMES)

PETITION FOR WRIT OF HABEAS CORPUS

PARTIES

The (Petitioner) a FEDERAL inmate, DUANE L. BERRY # 62250019 is seeking HABEAS CORPUS relief on the grounds that the (Respondents) STATE OF MICHIGAN DEPARTMENT OF HEALTH, et al. have unlawfully confined him at the WAYNE COUNTY JAIL, 525 CLINTON ST., DETROIT MI 48226 by an ORDER of the 3RD CIRCUIT COURT on August 31, 2018 in Case No. 17-005237 (STATE OF MICHIGAN V. BERRY) pending his FEDERAL actions before this Court in Case No. 15-20743 (U.S.A. V. BERRY) and SIXTH CIRCUIT COURT OF APPEALS CASE NO. 17-2168. (SEE ATTACHED CERTIFICATE OF SERVICE)

The STATE COURT ORDER subsequently Remanded the (Petitioner) to the custody of the STATE pursuant to MCL 330.2032 and the (Petitioner) is unable to appear before the ORDER of this COURT ON February 19, 2019

in his pending actions.

JURISDICTION

This Court has exclusive and original jurisdiction in this action pursuant to 18 U.S.C. section 3231 and 28 U.S.C. section 1331.

FEDERAL QUESTIONS

① Did the State actors (Respondents) unlawfully Remove the (Petitioners) from FEDERAL Custody and Jurisdiction pending FEDERAL Case No. 15-20743 and several Related Appeal Actions including but not limited to Case No. 17-2168 in violation of 18 U.S.C. section 3231? Answer - YES

② Did the (Respondents) actions consequentially violate the (Petitioners) 5th, 6th, and 14th Amendment Rights to DUE PROCESS and a FAIR and SPEEDY TRIAL in both the FEDERAL and STATE venues? Answer - YES

2/4/2019

DATE

Respectfully Submitted,
DUANE L. BERRY
525 CLINTON ST.
Detroit, MI 48226

STATEMENT of FACTS

- 1.) The (Petitioner) DUANE L. BERRY has been in the jurisdiction of this Court since November 9, 2015 in which he made his initial appearance on Complaint (FALSE INFORMATION and HOAXES) before Magistrate Judge MONA K. MAJZOUB in case No. 2:15-mj-30528-DUTY. (SEE U.S.A. v. BERRY, No. 15-20743, dkt# 3) (EXHIBIT - A)
- 2.) On November 9, 2015 Judge Majzoub also ordered BERRY to detention. (SEE U.S.A. v. BERRY, No. 15-20743, dkt# 6)
- 3.) On August 30, 2016, after being held in FEDERAL detention after nearly nine months District Court Judge DAVID M. LAWSON ordered the (Petitioner) to the COMMITMENT of the UNITED STATES ATTORNEY GENERAL pursuant to 18 U.S.C. section 4241(d). (SEE U.S.A. v. BERRY, No. 15-20743, dkt# 45)
- 4.) On November 26, 2017, after more than two years in Federal custody BERRY filed a NOTICE of Appeal of the ORDER by Judge DAVID M. LAWSON to force Medicate the (Petitioner) while in the custody of the UNITED STATES ATTORNEY GENERAL. (SEE U.S.A. v. BERRY, No 15-20743, dkt# 79) (See Sixth Circuit Court of Appeals Case No. 17-2168)

5) However, beginning on March 28, 2017 while in the custody of the UNITED STATES, pursuant to 18 U.S.C. Section 4241(d), being detained at the MIDLAND COUNTY JAIL by the UNITED STATES MARSHAL pending (Petitioner's) FEDERAL proceedings a series of illegal Writs of HABEAS CORPUS were issued by the STATE of Michigan to unlawfully remove him from FEDERAL custody and jurisdiction to arraign BERRY and begin proceedings in the inferior state court against (Petitioner) in direct violation of 18 U.S.C. Section 3231. (SEE STATE of MI. v. BERRY, Case No. 15L04661FY) (SEE STATE of MI. v. BERRY, Case No. 17-005237) (SEE STATE of MI. v. BERRY, Case No. 1706173701) (EXHIBIT - B / C)

6) More than several Writs were issued by the STATE OF Michigan unlawfully removing the Petitioner from FEDERAL custody and jurisdiction between MARCH 28, 2017 until December of 2018 from the MIDLAND County JAIL to the WAYNE County JAIL and Livonia Police Station in which BERRY began to seek civil redress against the state actors via the Inmate Grievance Process and CIVIL FEDERAL ACTION. (SEE BERRY v. NAPOLEON, et al., Case No. 18-10585) (EXHIBIT - D)

- 7) ON December 19, 2018 in FEDERAL Appeal Action No. 17-2168, the Sixth Circuit Court of Appeals reversed the district court decision in FEDERAL Case No. 15-20743 and VACATED the order compelling Berry to undergo forced Medication. (EXHIBIT - E)
- 8) ON JANUARY 9, 2019 the FEDERAL District Court issued a NOTICE to APPEAR as to Berry for a Status Conference set for JANUARY 17, 2019. However Berry could not appear as he was now in the custody of the inferior STATE of Michigan Court ORDER in CASE No. 17-005237 in which the court ordered him detained in the custody of the STATE pursuant to MCL 330.2032 in which the STATE court committed Berry to the custody of the DEPARTMENT of HEALTH, finding him incompetent to stand trial.
- 9) ON JANUARY 17, 2019 the FEDERAL District Court set another STATUS Conference and a NOTICE TO Appear as to Berry for FEBRUARY 19, 2019 regarding the Sixth Circuit Court of Appeals decision, However the (Petitioner) Remains in

Limbo under the STATE of Michigan's unlawful
ORDER currently detained at the WAYNE
COUNTY JAIL.

MEMORANDUM OF LAW

- 10.) 18 U.S.C. section 3231 is very clear in determining FEDERAL JURISDICTION. In short it states that in every FEDERAL CRIMINAL proceeding jurisdiction is maintained solely by the FEDERAL COURTS, having original jurisdiction.
- 11.) The STATE of MICHIGAN statute (MCL 600.4310) is also very clear in this matter. It states; "A person detained by virtue of any process issued by any Court of the UNITED STATES, OR any judge thereof, in cases where such Courts or judges have exclusive jurisdiction under the laws of the UNITED STATES ... that person is NOT entitled to Writs of HABEAS CORPUS."
- 12.) Here it is clear and indisputable that the COURT of the UNITED STATES maintained exclusive and original jurisdiction in action (U.S.A. v. BERREY, Case No. 15-20743) of the (Petitioner) and the inferior state

Court and actors (Respondents) unlawfully removed him via illegal writs of HABEAS Corpus, during his FEDERAL proceedings also in CRIMINAL violations of 18 U.S.C. section 1501 "Obstruction of proceedings before Departments and Agencies of the UNITED STATES" and 18 U.S.C. section 1201 "Kidnapping", which is defined as "Anyone who unlawfully confines a person."

- 13.) In the case (FRANK V. MANGUM, 237 U.S. 309, NO question respecting the original jurisdiction or the trial court is raised. Consequently, the contention is and must be that the alleged fraud by the state actors deprived the FEDERAL trial court of jurisdiction, and the (Petitioner) his 5th, 6th and 14th Amendment Right to DUE Process, and a FAIR and SPEEDY TRIAL in both FEDERAL and STATE proceedings.
- 14.) The Due Process Clause of the 5th and 14th Amendment are closely related yet distinctly different concerning the exhausting of REMEDIES of a state or FEDERAL inmate.

15.) The 14th Amendment governs any action of a state's violation of DUE PROCESS through its legislature, its courts, or its executive officers, whereas the 5th is governed via the FEDERAL process.

16.) A criminal prosecution procured by the State authorities without DUE PROCESS of law is typically found in violation of the 14th Amendment in which the inmate must exhaust his remedies in the state. However, in the instant action such is not the case. Although the (Petitioner) is in state custody as well as FEDERAL custody at the same time, the original and exclusive jurisdiction belongs to the UNITED STATES.

17.) Thus the state lacked the power to issue any writs of HABEAS CORPUS during (Petitioner's) FEDERAL proceedings and thereby now also lacks the power to determine issues of relief. (SEE Mooney v. Holohan, S.C. 294 U.S. 103, 55 S. Ct 340, 79 L. Ed 791, 1935 U.S. LEXIS 40, 93 A.L.R. 406.

- 18.) It is manifest that the DUE Process clause of the 14th Amendment was never intended to deprive FEDERAL courts generally of the power to hear and determine issues of fact and in so doing to decide which evidence is true and which evidence is false.
- 19.) Here it is clear and indisputable that the FEDERAL and STATE docket sheets, register of actions, and the attached booking records, and state issued writs of HABEAS Corpus are self-authenticating evidence that prove the facts concerning original jurisdiction and moreover are now entered into this court as FEDERAL EVIDENCE pursuant to FEDERAL RULES OF EVIDENCE RULE 902 and 1005.

CONCLUSION

- 20.) WHEREAS, it is the duty of the Original FEDERAL Trial Court to provide the corrective judicial process for relief for (Petitioners) in both FEDERAL and STATE VENUES as guaranteed to him under the 5th, 6th, and 14th Amendments. As the FEDERAL Court is not only the Court of last resort but continuing resort against the (Respondents) for civil redress or FEDERAL criminal prosecution.
- 21.) As it is more than likely that the (Petitioner's) FEDERAL action in Case No. 15-20743 will be dismissed as the (Petitioner) has already served the time for the offense, has he it in State custody. The fact still remains that a writ of HABEAS Corpus MUST be issued by the court to return him before District judge DAVID M. LAWSON in his "NOTICE TO APPEAR" for (Petitioner) ON FEBRUARY 19, 2019 at 3 p.m.
(EXHIBIT - F)

- 22) However, in order for that to happen this court would effectively continue to violate the (Petitioner's) Due Process in the State venue in both cases (STATE of MI. v. BERRY, CASE NO. 15L04661Fy and Case No. 17-005237) and (STATE OF MI. v. BERRY, CASE NO. 1706173701)
- 23) For this very reason, Congress has established 18 U.S.C. section 3231 to give a very clear and distinct balance of power concerning FEDERAL and STATE jurisdiction in order to maintain Constitutional Due Process, the power of the FEDERAL courts, and to reduce intrinsic fraud committed by state actors who only hold an inferior and subordinate authority.
- 24) Whereas, the (Petitioner) now respectfully request the Court to issue a Writ of HABEAS CORPUS immediately releasing him from unlawful confinement, in both the FEDERAL and STATE venues, by the (Respondents) as their actions have consequently deprived him of DUE PROCESS and a FAIR and SPEEDY Trial in both venues simultaneously, and any further delay would continue to cause irreparable injury to (Petitioner).

W
Signature

[Notarization Not Required]

DUANE L. BERKEY

[Please Print Your Name Here]

WAYNE COUNTY JAIL

525 CLINTON ST.

Detroit, MI 48226

CERTIFICATE OF SERVICE

I certify that on 2/4/2019 I served a copy of this Informal Brief on all parties, addressed as shown below:

CJ
Signature

- 1.) STATE of MICHIGAN DEPARTMENT of HEALTH
P.O. BOX 2060, ANN ARBOR, MI. 48106
- 2.) BENNY N. NAPOLEON (WAYNE COUNTY SHERIFF)
4747 Woodward, Detroit, MI. 48201
- 3.) Scott STEPHENSON (MIDLAND COUNTY SHERIFF)
3727 Rodd ST., MIDLAND, MI. 48640
- 4.) JOHN K. BUSH (6th Cir. APPEALS)
100 E. FIFTH ST., CINCINNATI, OH. 45202
- 5.) U.S. ATTORNEY GENERAL William P. BARR
950 Pennsylvania Ave N.W., Washington, D.C. 20530

EXHIBIT A

APPEAL

**U.S. District Court
Eastern District of Michigan (Detroit)
CRIMINAL DOCKET FOR CASE #: 2:15-cr-20743-DML-MKM-1**

Case title: United States of America v. Berry
Magistrate judge case number: 2:15-mj-30528-DUTY

Date Filed: 11/19/2015

Assigned to: District Judge David M.

Lawson

Referred to: Magistrate Judge Mona K.
Majzoub

Appeals court case numbers: 16-1413 U.S.
Court of Appeals - Sixth Circuit, 16-2744
U.S. Court of Appeals - Sixth Circuit, 17-
2168 U.S. Court of Appeals - Sixth Circuit

Defendant (1)

Duane Letroy Berry

represented by **Duane Letroy Berry**
14005
Wayne County Jail
570 Clinton St.
Detroit, MI 48226
PRO SE

Federal Defender
Federal Defender Office
613 Abbott
5th Floor
Detroit, MI 48226
313-967-5542
TERMINATED: 11/10/2015
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or
Community Defender Appointment*

Craig A. Daly
615 Ford Building
Suite 820
Detroit, MI 48226
313-963-1455

Fax: 313-961-4315
Email: 4bestdefense@sbcglobal.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

FALSE INFORMATION AND HOAXES
(1)

Highest Offense Level (Opening)

Felony

Disposition

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

Complaint

Disposition

Plaintiff

United States of America

represented by **Kevin Mulcahy**
U.S. Attorney's Office
211 W. Fort Street
Suite 2001
Detroit, MI 48226
313-226-9713
Fax: 313-226-2621
Email: kevin.mulcahy@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: U.S. Attorney

| Date Filed | # | Docket Text |
|------------|---|---|
| 11/06/2015 | 1 | COMPLAINT sworn before Magistrate Judge Elizabeth A. Stafford as to Duane Letroy Berry (1). (LHos) [2:15-mj-30528-DUTY] (Entered: 11/09/2015) |
| 11/09/2015 | | Minute Entry for proceedings before Magistrate Judge Mona K. Majzoub: Initial |

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| | | Appearance as to Duane Letroy Berry held on 11/9/2015. Detention Hearing set for 11/12/2015 01:00 PM Disposition: Temporary Detention (Court Reporter: Digitally Recorded) (Defendant Attorney: Stacey Studnicki) (AUSA: Kevin Mulcahy) (LBar) [2:15-mj-30528-DUTY] (Entered: 11/09/2015) |
| 11/09/2015 | <u>3</u> | • Audio File of Initial Appearance on Complaint as to Duane Letroy Berry held on 11/09/2015 before Magistrate Judge Mona K. Majzoub. AUDIO FILE SIZE (0.8 MB) (SOso) [2:15-mj-30528-DUTY] (Entered: 11/09/2015) |
| 11/09/2015 | <u>4</u> | Warrant for Arrest Returned Executed on 11/8/15 as to Duane Letroy Berry. (LHos) [2:15-mj-30528-DUTY] (Entered: 11/09/2015) |
| 11/09/2015 | <u>5</u> | ORDER APPOINTING FEDERAL DEFENDER as to Duane Letroy Berry. Signed by Magistrate Judge Mona K. Majzoub. (SOso) [2:15-mj-30528-DUTY] (Entered: 11/09/2015) |
| 11/09/2015 | <u>6</u> | ORDER OF TEMPORARY DETENTION as to Duane Letroy Berry Signed by Magistrate Judge Mona K. Majzoub. (SOso) [2:15-mj-30528-DUTY] (Entered: 11/09/2015) |
| 11/10/2015 | <u>7</u> | CJA 20 as to Duane Letroy Berry: Appointment of Attorney Craig A. Daly for Duane Letroy Berry, in place of Federal Defender. (SOso) [2:15-mj-30528-DUTY] (Entered: 11/12/2015) |
| 11/13/2015 | | Minute Entry for proceedings before Magistrate Judge David R. Grand: Detention Hearing as to Duane Letroy Berry not held on 11/13/2015, (Preliminary Examination set for 11/23/2015 01:00 PM) Disposition: defendant consents to detention(Court Reporter: Digitally Recorded) (Defendant Attorney: Craig Daly) (AUSA: Kevin Mulcahy) (EBut) [2:15-mj-30528-DUTY] (Entered: 11/13/2015) |
| 11/13/2015 | <u>8</u> | • Audio File of Proceedings as to Duane Letroy Berry held on 11/13/2015 before Magistrate Judge David R. Grand. AUDIO FILE SIZE (0.7 MB) (SOso) [2:15-mj-30528-DUTY] (Entered: 11/13/2015) |
| 11/13/2015 | <u>9</u> | ATTORNEY APPEARANCE: Craig A. Daly appearing for Duane Letroy Berry. (SOso) [2:15-mj-30528-DUTY] (Entered: 11/13/2015) |
| 11/13/2015 | <u>10</u> | CONSENT ORDER OF DETENTION PENDING TRIAL as to Duane Letroy Berry Signed by Magistrate Judge David R. Grand. (SOso) [2:15-mj-30528-DUTY] (Entered: 11/13/2015) |
| 11/13/2015 | <u>11</u> | MOTION to Dismiss w/ <i>Certificate of Service</i> by Duane Letroy Berry. (Attachments: # <u>1</u> Document Continuation) (Daly, Craig) [2:15-mj-30528-DUTY] (Entered: 11/13/2015) |
| 11/19/2015 | <u>12</u> | INDICTMENT as to Duane Letroy Berry (1) count(s) 1. (DPer) (Entered: 11/20/2015) |
| 11/23/2015 | | Minute Entry for proceedings before Magistrate Judge Elizabeth A. Stafford: Arraignment as to Duane Letroy Berry (1) Count 1 held on 11/23/2015. Disposition: Not Guilty Plea Entered. Defendant Refused to sign Acknowledgment of Indictment. (Court Reporter: Digitally Recorded) (Defendant Attorney: Sam Churikien) (AUSA: April Russo) (MarW) Modified on 11/23/2015 (MarW). (Entered: 11/23/2015) |

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| 11/23/2015 | <u>13</u> | • Audio File of Arraignment on Indictment as to Duane Letroy Berry held on 11/23/2015 before Magistrate Judge Elizabeth A. Stafford. AUDIO FILE SIZE (4.5 MB) (SOso) (Entered: 11/23/2015) |
| 11/23/2015 | <u>14</u> | ACKNOWLEDGMENT of Indictment by Duane Letroy Berry. (SOso) (Entered: 11/24/2015) |
| 11/23/2015 | <u>15</u> | SCHEDULING ORDER as to Duane Letroy Berry Motions due by 12/19/2015; Pretrial Conference set for 12/22/2015 at 2:00 PM; Plea due by 12/22/2015; Jury Trial set for 1/12/2016 at 8:30 AM before District Judge David M. Lawson. Signed by District Judge David M. Lawson. (SPin) (Entered: 11/24/2015) |
| 12/11/2015 | <u>16</u> | ORDER Denying Defendant's <u>11</u> Motion to Dismiss as to Duane Letroy Berry (1). Signed by District Judge David M. Lawson. (SPin) (Entered: 12/11/2015) |
| 12/15/2015 | <u>17</u> | MOTION to dismiss by Duane Letroy Berry. (DPer) (Entered: 12/16/2015) |
| 12/22/2015 | | Minute Entry for proceedings before District Judge David M. Lawson: Final Pretrial Conference Not Held as to Duane Letroy Berry.(Court Reporter: Rene Twedt) (Defendant Attorney: Craig Daly) (AUSA: Kevin Mulcahy) (SPin) (Entered: 12/22/2015) |
| 12/22/2015 | <u>18</u> | ORAL MOTION for Competency Hearing by United States of America as to Duane Letroy Berry. (SPin) (Entered: 12/22/2015) |
| 12/23/2015 | <u>19</u> | ORDER Granting Oral Motion for Competency Examination as to Duane Letroy Berry, Appointing Counsel, Adjourning Trial and Determining Excludable Delay. Time excluded from 12/22/2015 until the conclusion of the competency hearing. Signed by District Judge David M. Lawson. (SPin) (Entered: 12/23/2015) |
| 01/22/2016 | <u>23</u> | MOTION for reconsideration of venue due to extraordinary circumstances by Duane Letroy Berry. (DPer) (Entered: 02/01/2016) |
| 01/25/2016 | <u>20</u> | ORDER for Transportation of Defendant for Competency Evaluation as to Duane Letroy Berry. Signed by District Judge David M. Lawson. (SPin) (Entered: 01/25/2016) |
| 01/25/2016 | <u>21</u> | ORDER Requiring Response to <u>17</u> Motion to Dismiss as to Duane Letroy Berry. Response due on or before 2/15/2016. Signed by District Judge David M. Lawson. (SPin) (Entered: 01/25/2016) |
| 01/26/2016 | <u>22</u> | NOTICE concerning fraud on the Court by Duane Letroy Berry. (DPer) (Entered: 01/27/2016) |
| 02/15/2016 | <u>24</u> | RESPONSE by United States of America as to Duane Letroy Berry re <u>17</u> MOTION to Dismiss (Mulcahy, Kevin) (Entered: 02/15/2016) |
| 02/22/2016 | <u>25</u> | RESPONSE to Petition for Writ of Mandamus as to by Duane Letroy Berry filed by the Honorable David M. Lawson. (SPin) (Entered: 02/22/2016) |
| 02/22/2016 | <u>26</u> | STIPULATED ORDER regarding Pretrial Services Report as to Duane Letroy Berry. Signed by District Judge David M. Lawson. (SPin) (Entered: 02/22/2016) |

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| 02/29/2016 | <u>27</u> | Letter from Duane Letroy Berry (SSch) (Entered: 03/02/2016) |
| 05/25/2016 | <u>28</u> | NOTICE TO APPEAR as to Duane Letroy Berry: Competency Hearing set for 6/2/2016 at 2:00 PM before District Judge David M. Lawson. (SPin) (Entered: 05/25/2016) |
| 05/31/2016 | <u>29</u> | MOTION to Adjourn <i>Competency Hearing and Certificate of Service</i> by Duane Letroy Berry. (Daly, Craig) (Entered: 05/31/2016) |
| 05/31/2016 | <u>30</u> | NOTICE to Recuse Judge by Duane Letroy Berry (SSch) (Entered: 06/01/2016) |
| 06/02/2016 | | Set/Reset Deadlines/Hearings as to Duane Letroy Berry: Competency Hearing reset for 6/27/2016 at 9:30 AM before District Judge David M. Lawson. (SPin) (Entered: 06/02/2016) |
| 06/03/2016 | <u>31</u> | ORDER GRANTING MOTION TO ADJOURN COMPETENCY HEARING as to Duane Letroy Berry. Time excluded from 6/2/2016 until 6/27/2016. Defendant's Response due on or before 6/20/2016. Competency Hearing reset for 6/27/2016 at 9:30 AM before District Judge David M. Lawson. Signed by District Judge David M. Lawson. (SPin) (Entered: 06/03/2016) |
| 06/09/2016 | <u>32</u> | WRIT OF ERROR by Duane Letroy Berry. (DPer) (Entered: 06/10/2016) |
| 06/16/2016 | <u>33</u> | MOTION for <i>Independent Evaluation for Competency to Stand Trial and for a Competency Hearing, Brief in Support, and Certificate of Service</i> by Duane Letroy Berry. (Daly, Craig) (Entered: 06/16/2016) |
| 06/22/2016 | <u>34</u> | ORDER Granting Defendant's <u>33</u> Motion for an Independent Competency Evaluation and Competency Hearing as to Duane Letroy Berry (1). Signed by District Judge David M. Lawson. (SPin) (Entered: 06/22/2016) |
| 06/22/2016 | <u>35</u> | ORDER Allowing Psychological Examiner to Enter Jail Facilities and to Bring in Testing Equipment as to Duane Letroy Berry. Signed by District Judge David M. Lawson. (SPin) (Entered: 06/22/2016) |
| 06/22/2016 | | TEXT-ONLY NOTICE: Competency Hearing on 6/27/2016 is Cancelled re <u>31</u> Order as to Duane Letroy Berry. (SPin) (Entered: 06/22/2016) |
| 06/22/2016 | <u>36</u> | MOTION to dismiss by Duane Letroy Berry. (DPer) (Entered: 06/23/2016) |
| 06/23/2016 | <u>37</u> | Judicial NOTICE by Duane Letroy Berry (LHos) (Entered: 06/24/2016) |
| 06/28/2016 | <u>38</u> | ORDER Denying <u>30</u> Notice (Motion) for Recusal filed by Duane Letroy Berry. Signed by District Judge David M. Lawson. (SPin) (Entered: 06/28/2016) |
| 06/28/2016 | | TEXT-ONLY CERTIFICATE OF SERVICE re <u>38</u> Order as to Duane Letroy Berry. Documents mailed to Duane Letroy Berry Pris. No. 257551a at 65 N. Elk, Sandusky, MI 48471. (SPin) (Entered: 06/28/2016) |
| 07/05/2016 | <u>39</u> | ORDER from U.S. Court of Appeals - Sixth Circuit as to Duane Letroy Berry [Appeal Case Number 16-1171] (Ahmed, N) (Entered: 07/05/2016) |
| 07/07/2016 | <u>41</u> | NOTICE of Correction re 40 Appeal Order/Opinion/Judgment as to Duane Letroy |

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| | | Berry. (Ahmed, N) (Entered: 07/07/2016) |
| 07/21/2016 | <u>42</u> | Judicial NOTICE by Duane Letroy Berry (SSch) (Entered: 07/22/2016) |
| 07/21/2016 | <u>43</u> | Judicial NOTICE of Fraud by Duane Letroy Berry (SSch) (Entered: 07/22/2016) |
| 07/28/2016 | <u>44</u> | NOTICE TO APPEAR as to Duane Letroy Berry: Competency Hearing set for 8/25/2016 at 10:00 AM before District Judge David M. Lawson. (SPin) (Entered: 07/28/2016) |
| 08/25/2016 | | Minute Entry for proceedings before District Judge David M. Lawson: Competency Hearing as to Duane Letroy Berry held on 8/25/2016. Disposition: Defendant declared incompetent. (Court Reporter: Rene Twedt) (Defendant Attorney: Craig Daly) (AUSA: Kevin Mulcahy) (SPin) (Entered: 08/25/2016) |
| 08/30/2016 | <u>45</u> | ORDER OF COMMITMENT to Attorney General Upon Finding Defendant Not Competent to Stand Trial as to Duane Letroy Berry. Signed by District Judge David M. Lawson. (SPin) (Entered: 08/30/2016) |
| 09/09/2016 | <u>46</u> | MOTION for status conference by Duane Letroy Berry. (DPer) (Entered: 09/14/2016) |
| 09/09/2016 | <u>47</u> | AFFIDAVIT of immunity by Duane Letroy Berry (DPer) (Entered: 09/14/2016) |
| 09/15/2016 | <u>48</u> | ORDER Denying <u>46</u> Motion for Status Conference as to Duane Letroy Berry (1). Signed by District Judge David M. Lawson. (SPin) (Entered: 09/15/2016) |
| 09/26/2016 | <u>49</u> | ORDER for Transportation of Defendant Duane Letroy Berry for Confinement and Treatment. Signed by District Judge David M. Lawson. (SPin) (Entered: 09/26/2016) |
| 10/03/2016 | <u>50</u> | AFFIDAVIT by Duane Letroy Berry; with attachments (DPer) (Entered: 10/03/2016) |
| 10/04/2016 | <u>51</u> | JUDICIAL NOTICE by Duane Letroy Berry (DPer) (Entered: 10/04/2016) |
| 10/18/2016 | <u>52</u> | ORDER Extending Time for Competency Evaluation as to Duane Letroy Berry. Signed by District Judge David M. Lawson. (SPin) (Entered: 10/18/2016) |
| 10/25/2016 | <u>53</u> | MOTION to vacate confinement order and dismiss indictment by Duane Letroy Berry. (DPer) (Entered: 10/26/2016) |
| 12/06/2016 | <u>54</u> | NOTICE OF APPEAL by Duane Letroy Berry re <u>45</u> Order. Fee Status: No Fee Paid. (DPer) (Entered: 12/07/2016) |
| 12/07/2016 | <u>55</u> | Certificate of Service re <u>54</u> Notice of Appeal as to Duane Letroy Berry. (DPer) (Entered: 12/07/2016) |
| 01/09/2017 | <u>56</u> | ORDER Requiring Supplemental Briefing as to Duane Letroy Berry. Briefs due by 1/23/2017. Signed by District Judge David M. Lawson. (SPin) (Entered: 01/09/2017) |
| 01/23/2017 | <u>57</u> | SUPPLEMENTAL BRIEF re <u>56</u> Order Requiring Responsive Pleading by Duane Letroy Berry <i>Regarding Whether Administration of Anti-Psychotic Medication is Appropriate and Certificate of Service</i> (Daly, Craig) (Entered: 01/23/2017) |
| 01/23/2017 | <u>58</u> | SUPPLEMENTAL BRIEF re <u>56</u> Order Requiring Responsive Pleading by United States of America as to Duane Letroy Berry (Mulcahy, Kevin) (Entered: 01/23/2017) |

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| 01/24/2017 | <u>59</u> | RESPONSE to <u>58</u> Supplemental Brief and Certificate of Service by Duane Letroy Berry (Daly, Craig) (Entered: 01/24/2017) |
| 02/02/2017 | <u>60</u> | NOTICE TO APPEAR as to Duane Letroy Berry: <i>Sell</i> Hearing set for 2/15/2017 at 3:00 PM before District Judge David M. Lawson. (SPin) (Entered: 02/02/2017) |
| 02/15/2017 | | Minute Entry for proceedings before District Judge David M. Lawson: Miscellaneous Hearing held on 2/15/2017 as to Duane Letroy Berry. (Court Reporter: Rene Twedt) (Defendant Attorney: Craig Daly) (AUSA: Kevin Mulcahy) (SPin) (Entered: 02/15/2017) |
| 02/24/2017 | <u>61</u> | MOTION to dismiss by Duane Letroy Berry. (DPer) (Entered: 02/27/2017) |
| 04/26/2017 | <u>62</u> | NOTICE TO APPEAR as to Duane Letroy Berry: Status Conference set for 5/1/2017 at 11:00 AM before District Judge David M. Lawson. (SPin) (Entered: 04/26/2017) |
| 05/01/2017 | | Minute Entry for proceedings before District Judge David M. Lawson: Status Conference as to Duane Letroy Berry held on 5/1/2017. (Defendant Attorney: Craig Daly) (AUSA: Kevin Mulcahy) (SPin) (Entered: 05/01/2017) |
| 05/04/2017 | <u>63</u> | ORDER from U.S. Court of Appeals - Sixth Circuit as to Duane Letroy Berry re <u>54</u> Notice of Appeal [Appeal Case Number 16-2744] (Ahmed, N) (Entered: 05/04/2017) |
| 05/08/2017 | <u>65</u> | Ex Parte APPLICATION for Subpoena by Duane Letroy Berry. (BGar) (Entered: 05/19/2017) |
| 05/09/2017 | <u>64</u> | ORDER for Evidentiary Hearing on the Issue of Whether the Administration of Antipsychotic Medication is Appropriate. Evidentiary Hearing set for 6/1/2017 at 10:00 AM before District Judge David M. Lawson. Signed by District Judge David M. Lawson. (SPin) (Entered: 05/09/2017) |
| 05/09/2017 | | Reset Hearing as to Duane Letroy Berry: Evidentiary Hearing reset for 6/1/2017 at 2:00 PM (TIME CHANGE ONLY) before District Judge David M. Lawson. (SPin) (Entered: 05/09/2017) |
| 05/22/2017 | | Set/Reset Deadlines as to Duane Letroy Berry: Motion Hearing reset for 6/1/2017 at 1:00 PM (TIME CHANGE ONLY) before District Judge David M. Lawson. (SPin) (Entered: 05/22/2017) |
| 05/24/2017 | <u>66</u> | MOTION for recusal by Duane Letroy Berry. (DPer) (Entered: 05/24/2017) |
| 05/24/2017 | <u>67</u> | ORDER Denying <u>65</u> Application for Subpoena filed by Duane Letroy Berry. Signed by District Judge David M. Lawson. (SPin) (Entered: 05/24/2017) |
| 05/25/2017 | | Set/Reset Deadlines/Hearings as to Duane Letroy Berry: Evidentiary Hearing reset for 6/1/2017 at 1:00 PM (TIME CHANGE ONLY) before District Judge David M. Lawson. (SPin) (Entered: 05/25/2017) |
| 06/01/2017 | <u>68</u> | SECOND ORDER denying <u>66</u> Motion for Recusal as to Duane Letroy Berry (1). Signed by District Judge David M. Lawson. (SPin) (Entered: 06/01/2017) |
| 06/01/2017 | | Minute Entry for proceedings before District Judge David M. Lawson: <i>Sell</i> Hearing |

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| | | held on 6/1/2017 as to Duane Letroy Berry. Disposition: Under advisement. (Court Reporter: Rene Twedt) (Defendant Attorney: Craig Daly) (AUSA: Kevin Mulcahy) (SPin) (Entered: 06/02/2017) |
| 06/05/2017 | <u>69</u> | ORDER Granting Parties' Request to Submit Briefs Regarding <i>Sell</i> Factors. Signed by District Judge David M. Lawson. (SPin) (Entered: 06/06/2017) |
| 06/13/2017 | <u>70</u> | MOTION to vacate committed order to the custody of the Attorney General pursuant to 18 U.S.C. 4241(d) and to dismiss indictment by Duane Letroy Berry. (DPer) (Entered: 06/20/2017) |
| 06/28/2017 | <u>71</u> | ORDER Denying <u>70</u> Motion to Vacate and to Dismiss as to Duane Letroy Berry (1). Signed by District Judge David M. Lawson. (SPin) (Entered: 06/29/2017) |
| 07/10/2017 | <u>73</u> | NOTICE OF APPEAL by Duane Letroy Berry re <u>71</u> Order. Fee Status: No Fee Paid. (DPer) (Entered: 07/25/2017) |
| 07/12/2017 | <u>72</u> | TRANSCRIPT of Competency Hearing held on 06/01/2017 as to Duane Letroy Berry. (Court Reporter/Transcriber: Rene L Twedt) (Number of Pages: 140) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 8/2/2017. Redacted Transcript Deadline set for 8/14/2017. Release of Transcript Restriction set for 10/10/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Twedt, R) (Entered: 07/12/2017) |
| 07/25/2017 | <u>74</u> | Certificate of Service re <u>73</u> Notice of Appeal as to Duane Letroy Berry. (DPer) (Entered: 07/25/2017) |
| 07/26/2017 | <u>75</u> | SUPPLEMENTAL BRIEF re <u>69</u> Order by Duane Letroy Berry and Certificate of Service (Attachments: # <u>1</u> Document Continuation) (Daly, Craig) (Entered: 07/26/2017) |
| 07/26/2017 | <u>76</u> | SUPPLEMENTAL BRIEF re <u>72</u> Transcript,,, by United States of America as to Duane Letroy Berry <i>Government's Post-Sell Hearing Brief Regarding Forced Medication</i> (Mulcahy, Kevin) (Entered: 07/26/2017) |
| 08/03/2017 | <u>77</u> | ORDER from U.S. Court of Appeals - Sixth Circuit as to Duane Letroy Berry re <u>54</u> Notice of Appeal [Appeal Case Number 16-2744] (Ahmed, N) (Entered: 08/03/2017) |
| 08/31/2017 | <u>78</u> | ORDER Authorizing Administration of Medication as to Duane Letroy Berry. Signed by District Judge David M. Lawson. (SPin) (Entered: 08/31/2017) |
| 09/26/2017 | <u>79</u> | NOTICE OF APPEAL by Duane Letroy Berry re <u>78</u> Order. Fee Status: No Fee Paid. (BGar) (Entered: 09/27/2017) |
| 09/27/2017 | <u>80</u> | Certificate of Service re <u>79</u> Notice of Appeal as to Duane Letroy Berry. (BGar) (Entered: 09/27/2017) |
| 09/28/2017 | <u>81</u> | JUDICIAL NOTICE of Lack of Jurisdiction by Duane Letroy Berry. (Ahmed, N) |

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| | | (Entered: 10/02/2017) |
| 10/24/2017 | <u>82</u> | NOTICE of Outrageous Government Criminal Misconduct by Duane Letroy Berry (Krause, S) (Entered: 10/26/2017) |
| 12/04/2017 | <u>83</u> | JUDICIAL NOTICE by Duane Letroy Berry (SSch) (Entered: 12/05/2017) |
| 12/04/2017 | <u>84</u> | JUDICIAL NOTICE of Forclosure by Duane Letroy Berry (SSch) (Entered: 12/05/2017) |
| 12/14/2017 | <u>85</u> | MOTION to set aside and Vacate re <u>78</u> Order by Duane Letroy Berry. (SSch) (Entered: 12/14/2017) |
| 12/15/2017 | <u>86</u> | MOTION to Vacate Order <u>78</u> Due to Non-Jurisdiction by Duane Letroy Berry. (SPin) (Entered: 12/21/2017) |
| 12/21/2017 | <u>87</u> | ORDER from U.S. Court of Appeals - Sixth Circuit as to Duane Letroy Berry re <u>79</u> Notice of Appeal [Appeal Case Number 17-2168] (SKra) (Entered: 12/21/2017) |
| 12/21/2017 | <u>88</u> | ORDER Denying <u>85</u> Motion to Set Aside and Vacate Orders of Civil Commitment and Authorizing Administration of Medication. Signed by District Judge David M. Lawson. (SPin) (Entered: 12/21/2017) |
| 12/21/2017 | | TEXT-ONLY CERTIFICATE OF SERVICE re <u>88</u> Order on Motion - Free as to Duane Letroy Berry. Documents mailed to Duane Berry Pris. No. 62250019 at 105 Fast Ice Drive, Midland, MI 48042. (SPin) (Entered: 12/21/2017) |
| 01/02/2018 | <u>89</u> | AMENDED ORDER Denying Defendant's Motion to Set Aside and Vacate Orders of Civil Commitment and Authorizing Administration of Medication. Signed by District Judge David M. Lawson. (SPin) (Entered: 01/02/2018) |
| 01/02/2018 | | TEXT-ONLY CERTIFICATE OF SERVICE re <u>89</u> Order as to Duane Letroy Berry. Documents mailed to Duane Berry Pris. No. 62250-019 at 105 Fast Ice Drive, Midland, MI 48042. (SPin) (Entered: 01/02/2018) |
| 01/03/2018 | <u>90</u> | ORDER Denying <u>86</u> Motion to Vacate Order Due to Non-Jurisdiction as to Duane Letroy Berry (1). Signed by District Judge David M. Lawson. (SPin) (Entered: 01/03/2018) |
| 01/03/2018 | | TEXT-ONLY CERTIFICATE OF SERVICE re <u>90</u> Order on Motion - Free as to Duane Letroy Berry. Documents mailed to Duane Berry Pris. No. 62250-019 at 105 Fast Ice Drive, Midland, MI 48042. (SPin) (Entered: 01/03/2018) |
| 02/14/2018 | <u>97</u> | NOTICE OF APPEAL by Duane Letroy Berry re <u>89</u> Amended order. Fee Status: No Fee Paid. (DPer) (Entered: 02/26/2018) |
| 02/15/2018 | <u>91</u> | MOTION for recusal of Judge David M. Lawson by Duane Letroy Berry. (DPer) (Entered: 02/16/2018) |
| 02/21/2018 | <u>92</u> | MOTION to dismiss by Duane Letroy Berry. (DPer) (Entered: 02/23/2018) |
| 02/23/2018 | <u>93</u> | ORDER Denying <u>91</u> Motion for Recusal as to Duane Letroy Berry (1). Signed by District Judge David M. Lawson. (SPin) (Entered: 02/23/2018) |

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| 02/23/2018 | | TEXT-ONLY CERTIFICATE OF SERVICE re <u>93</u> Order on Motion for Recusal as to Duane Letroy Berry. Documents mailed to Duane Berry Pris. No. 62250-019 at 105 Fast Ice Drive, Midland, MI 48042. (SPin) (Entered: 02/23/2018) |
| 02/23/2018 | <u>94</u> | TRANSCRIPT of Status Conference held on 12/22/2015 as to Duane Letroy Berry. (Court Reporter/Transcriber: Rene L Twedt) (Number of Pages: 16) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 3/16/2018. Redacted Transcript Deadline set for 3/26/2018. Release of Transcript Restriction set for 5/24/2018. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Twedt, R) (Entered: 02/23/2018) |
| 02/23/2018 | <u>95</u> | TRANSCRIPT of Competency Hearing held on 08/25/2016 as to Duane Letroy Berry. (Court Reporter/Transcriber: Rene L Twedt) (Number of Pages: 61) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 3/16/2018. Redacted Transcript Deadline set for 3/26/2018. Release of Transcript Restriction set for 5/24/2018. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Twedt, R) (Entered: 02/23/2018) |
| 02/23/2018 | <u>96</u> | TRANSCRIPT of Status Conference held on 02/15/2017 as to Duane Letroy Berry. (Court Reporter/Transcriber: Rene L Twedt) (Number of Pages: 16) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 3/16/2018. Redacted Transcript Deadline set for 3/26/2018. Release of Transcript Restriction set for 5/24/2018. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Twedt, R) (Entered: 02/23/2018) |
| 02/26/2018 | <u>98</u> | Certificate of Service re <u>97</u> Notice of Appeal as to Duane Letroy Berry. (DPer) (Entered: 02/26/2018) |
| 02/28/2018 | <u>99</u> | ORDER from U.S. Court of Appeals - Sixth Circuit as to Duane Letroy Berry [Appeal Case Number 17-1856] (DWor) (Entered: 02/28/2018) |
| 03/05/2018 | <u>100</u> | NOTICE OF APPEAL by Duane Letroy Berry re <u>93</u> Order. Fee Status: No Fee Paid. (DPer) (Main Document 100 replaced on 3/7/2018) (DPer). (Entered: 03/07/2018) |
| 03/07/2018 | <u>101</u> | Certificate of Service re <u>100</u> Notice of Appeal as to Duane Letroy Berry. (DPer) (Entered: 03/07/2018) |
| 03/15/2018 | <u>102</u> | ORDER Dismissing <u>92</u> Motion to Dismiss as to Duane Letroy Berry (1). Signed by |

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| | | District Judge David M. Lawson. (SPin) (Entered: 03/15/2018) |
| 03/15/2018 | | TEXT-ONLY CERTIFICATE OF SERVICE re <u>102</u> Order on Motion to Dismiss as to Duane Letroy Berry. Documents mailed to Duane Berry Pris. No. 62250-019 at Midland County Jail, 105 Fast Ice Dr., Midland, MI 48042. (SPin) (Entered: 03/15/2018) |
| 03/21/2018 | <u>103</u> | NOTICE OF APPEAL by Duane Letroy Berry re <u>102</u> Order on Motion to Dismiss. Fee Status: No Fee Paid. (SKra) (Entered: 03/22/2018) |
| 03/23/2018 | <u>104</u> | Certificate of Service re <u>103</u> Notice of Appeal as to Duane Letroy Berry. (SKra) (Entered: 03/23/2018) |
| 03/28/2018 | <u>105</u> | NOTICE OF APPEAL by Duane Letroy Berry re <u>102</u> Order on Motion to Dismiss. Fee Status: No Fee Paid. (NAhm) (Entered: 04/03/2018) |
| 04/03/2018 | <u>106</u> | Certificate of Service re <u>105</u> Notice of Appeal as to Duane Letroy Berry. (NAhm) (Entered: 04/03/2018) |
| 04/03/2018 | <u>107</u> | MOTION for Relief from Judgment or Order re <u>102</u> Order on Motion to Dismiss by Duane Letroy Berry. (NAhm) (Entered: 04/04/2018) |
| 04/05/2018 | <u>108</u> | ORDER Denying <u>107</u> Motion as to Duane Letroy Berry (1) for Relief from Judgment. Signed by District Judge David M. Lawson. (SPin) (Entered: 04/05/2018) |
| 04/05/2018 | | TEXT-ONLY CERTIFICATE OF SERVICE re <u>108</u> Order on Motion - Free as to Duane Letroy Berry. Documents mailed to Duane Letroy Berry Pris. No. 62250-019 at 105 Fast Ice Drive, Midland, MI 48042. (SPin) (Entered: 04/05/2018) |
| 04/09/2018 | <u>109</u> | COPY of <u>104</u> Certificate of service mailed to Duane Letroy Berry and returned as undeliverable (DPer) (Entered: 04/10/2018) |
| 04/13/2018 | <u>110</u> | NOTICE OF APPEAL by Duane Letroy Berry re <u>108</u> Order. Fee Status: No Fee Paid. (DPer) (Entered: 04/24/2018) |
| 04/13/2018 | <u>112</u> | MOTION for appointment of counsel and termination of Attorney Craig A. Daly by Duane Letroy Berry. (DPer) (Entered: 04/24/2018) |
| 04/24/2018 | <u>111</u> | Certificate of Service re <u>110</u> Notice of Appeal as to Duane Letroy Berry. (DPer) (Entered: 04/24/2018) |
| 04/26/2018 | <u>113</u> | ORDER Denying <u>112</u> Motion to Appoint Counsel as to Duane Letroy Berry (1). Signed by District Judge David M. Lawson. (SPin) (Entered: 04/26/2018) |
| 04/26/2018 | | TEXT-ONLY CERTIFICATE OF SERVICE re <u>113</u> Order on Motion to Appoint Counsel as to Duane Letroy Berry. Documents mailed to Duane Letroy Berry Pris. No. 62250-019 at 105 Fast Ice Drive, Midland, MI 48042. (SPin) (Entered: 04/26/2018) |
| 05/03/2018 | <u>114</u> | JUDICIAL NOTICE by Duane Letroy Berry. (NAhm) (Entered: 05/08/2018) |
| 05/04/2018 | <u>115</u> | NOTICE OF APPEAL by Duane Letroy Berry re <u>113</u> Order on Motion to Appoint Counsel. Fee Status: No Fee Paid. (NAhm) (Entered: 05/09/2018) |

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| 05/09/2018 | <u>116</u> | Certificate of Service re <u>115</u> Notice of Appeal as to Duane Letroy Berry. (NAhm) (Entered: 05/09/2018) |
| 06/05/2018 | <u>117</u> | ORDER from U.S. Court of Appeals - Sixth Circuit as to Duane Letroy Berry [Appeal Case Number 18-1257] (DWor) (Entered: 06/06/2018) |
| 06/07/2018 | <u>118</u> | CERTIFICATE OF SERVICE by Duane Letroy Berry. (SPin) (Entered: 06/13/2018) |
| 06/15/2018 | <u>119</u> | ORDER from U.S. Court of Appeals - Sixth Circuit as to Duane Letroy Berry [Appeal Case Number 18-1533] (DWor) (Entered: 06/15/2018) |
| 06/22/2018 | <u>120</u> | MOTION to dismiss by Duane Letroy Berry. (DPer) (Entered: 06/26/2018) |
| 07/16/2018 | <u>121</u> | NOTICE of Change of Address/Contact Information by Duane Letroy Berry. (NAhm) (Entered: 07/17/2018) |
| 08/10/2018 | <u>122</u> | MOTION for response re <u>120</u> Motion to dismiss by Duane Letroy Berry. (DPer) (Entered: 08/13/2018) |
| 08/22/2018 | <u>123</u> | ORDER from U.S. Court of Appeals - Sixth Circuit as to Duane Letroy Berry [Appeal Case Number 18-1221] (DWor) (Entered: 08/22/2018) |
| 08/22/2018 | <u>124</u> | ORDER from U.S. Court of Appeals - Sixth Circuit as to Duane Letroy Berry [Appeal Case Number 18-1506] (DWor) (Entered: 08/22/2018) |
| 09/17/2018 | <u>125</u> | MOTION for Hearing in Support of Motion to Dismiss by Duane Letroy Berry. (NAhm) (Entered: 09/18/2018) |
| 09/24/2018 | <u>126</u> | [STRICKEN PER 09/27/18 ORDER] EXHIBITS (tax returns) in support of document <u>122</u> by Duane Letroy Berry (Attachments: # <u>1</u> Document Continuation, # <u>2</u> Document Continuation, # <u>3</u> Document Continuation, # <u>4</u> Document Continuation, # <u>5</u> Document Continuation, # <u>6</u> Document Continuation, # <u>7</u> Document Continuation, # <u>8</u> Document Continuation, # <u>9</u> Document Continuation, # <u>10</u> Document Continuation) (DPer). (Additional attachment(s) added on 9/27/2018: # <u>11</u> Document Continuation) (DPer). Modified on 9/27/2018 (DPer). (Entered: 09/27/2018) |
| 09/24/2018 | <u>127</u> | [STRICKEN PER 09/27/18 ORDER] EXHIBITS (tax returns) in support of document <u>122</u> by Duane Letroy Berry (PART II) (Attachments: # <u>1</u> Document Continuation, # <u>2</u> Document Continuation, # <u>3</u> Document Continuation, # <u>4</u> Document Continuation) (DPer) Modified on 9/27/2018 (DPer). (Entered: 09/27/2018) |
| 09/24/2018 | <u>128</u> | [STRICKEN PER 09/27/18 ORDER] EXHIBITS (tax returns) in support of document <u>122</u> by Duane Letroy Berry (PART III) (Attachments: # <u>1</u> Document Continuation, # <u>2</u> Document Continuation, # <u>3</u> Document Continuation, # <u>4</u> Document Continuation) (DPer) Modified on 9/27/2018 (DPer). (Entered: 09/27/2018) |
| 09/24/2018 | <u>129</u> | [STRICKEN PER 09/27/18 ORDER] EXHIBITS (tax returns) in support of document <u>122</u> by Duane Letroy Berry (PART IV) (Attachments: # <u>1</u> Document Continuation, # <u>2</u> Document Continuation, # <u>3</u> Document Continuation, # <u>4</u> Document Continuation) (DPer) Modified on 9/27/2018 (DPer). (Entered: 09/27/2018) |
| 09/24/2018 | <u>130</u> | [STRICKEN PER 09/27/18 ORDER] EXHIBITS (tax returns) in support of document <u>122</u> by Duane Letroy Berry (PART V) (Attachments: # <u>1</u> Document Continuation, # <u>2</u> |

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| | | Document Continuation, # <u>3</u> Document Continuation, # <u>4</u> Document Continuation) (DPer) Modified on 9/27/2018 (DPer). (Entered: 09/27/2018) |
| 09/24/2018 | <u>131</u> | [STRICKEN PER 09/27/18 ORDER] EXHIBITS (tax returns) in support of document <u>122</u> by Duane Letroy Berry (PART VI) (Attachments: # <u>1</u> Document Continuation, # <u>2</u> Document Continuation, # <u>3</u> Document Continuation, # <u>4</u> Document Continuation) (DPer) Modified on 9/27/2018 (DPer). (Entered: 09/27/2018) |
| 09/27/2018 | <u>132</u> | ORDER striking exhibits <u>126</u> , <u>127</u> , <u>128</u> , <u>129</u> , <u>130</u> and <u>131</u> as to Duane Letroy Berry. Signed by District Judge David M. Lawson. (DPer) (Entered: 09/27/2018) |
| 09/27/2018 | <u>133</u> | ORDER denying <u>122</u> Motion for response and <u>125</u> Motion for hearing as to Duane Letroy Berry (1). (subpoenas affixed to <u>125</u> Motion for hearing are quashed) Signed by District Judge David M. Lawson. (DPer) (Entered: 09/28/2018) |
| 09/28/2018 | | TEXT-ONLY CERTIFICATE OF SERVICE re <u>132</u> Order to Strike on 9/27/2018 and <u>133</u> Order on Motion on 9/28/2018 as to Duane Letroy Berry. Documents mailed to Duane Berry, 62250-019, Midland County Jail, 105 Fast Ice Drive, Midland, MI 48042. (SPin) (Entered: 10/01/2018) |
| 10/04/2018 | <u>134</u> | ORDER from U.S. Court of Appeals - Sixth Circuit as to Duane Letroy Berry [Appeal Case Number 18-1355] (DWor) (Entered: 10/04/2018) |
| 11/15/2018 | <u>135</u> | Judicial Notice of Bank of America's Foreclosure filed by Duane Letroy Berry. (ATee) Modified on 12/19/2018 (ATee). (Entered: 11/16/2018) |
| 12/19/2018 | <u>136</u> | OPINION and JUDGMENT from U.S. Court of Appeals - Sixth Circuit as to Duane Letroy Berry re <u>79</u> Notice of Appeal [Appeal Case Number 17-2168] (DWor) (Entered: 12/19/2018) |
| 01/09/2019 | <u>137</u> | NOTICE TO APPEAR as to Duane Letroy Berry: Status Conference set for 1/17/2019 at 10:30 AM before District Judge David M. Lawson in Chambers 1051 without Defendant. (SPin) (Entered: 01/09/2019) |
| 01/17/2019 | | Minute Entry for proceedings before District Judge David M. Lawson: Status Conference as to Duane Letroy Berry held on 1/17/2019. (Defendant Attorney: Craig Daly) (AUSA: Kevin Mulcahy) (SPin) (Entered: 01/17/2019) |
| 01/17/2019 | <u>138</u> | NOTICE TO APPEAR as to Duane Letroy Berry: Status Conference set for 2/19/2019 at 3:00 PM before District Judge David M. Lawson in Chambers 1051. (SPin) (Entered: 01/17/2019) |

| PACER Service Center | | | |
|----------------------|-----------------------|--------------|--------------------|
| Transaction Receipt | | | |
| 01/18/2019 11:54:58 | | | |
| PACER Login: | letroyberry:5579613:0 | Client Code: | |
| Description: | Docket Report | Search | 2:15-cr-20743-DML- |

EXHIBIT B

REGISTER OF ACTIONS
CASE NO. 17-005237-01-FH

| PARTY INFORMATION | | | | |
|--|--|---------------------|---|--------------------|
| Defendant | Berry, Duane Leroy | | Lead Attorneys S. Allen Early Retained (313) 962-2320(W) | |
| Plaintiff | State of Michigan | | Khalid H. Najar (313) 224-5777(W) | |
| CHARGE INFORMATION | | | | |
| Charges: Berry, Duane Leroy | | Statute 7503803A | Level | Date 11/03/2015 |
| 1. Malicious Destruction of Building - \$1,000 00 Ormore But Less Than \$20,000 00 | | | | |
| EVENTS & ORDERS OF THE COURT | | | | |
| | DISPOSITIONS | | | |
| 04/28/2017 | Plea (Judicial Officer: Scherr, Barbara J.) 1. Malicious Destruction of Building - \$1,000 00 Ormore But Less Than \$20,000 00 Defendant Stand Mute: Plea of Not Guilty Entered by Court | | | |
| | OTHER EVENTS AND HEARINGS | | | |
| 11/05/2015 | Recommendation for Warrant | | | |
| 11/05/2015 | Habitual Offender | | | |
| 11/06/2015 | Warrant Signed | | | |
| 04/28/2017 | Arraignment on Warrant (9:00 AM) (Judicial Officer Scherr, Barbara J.) Parties Present | | | |
| | Result: Defendant Stands Mute; Plea Of Not Guilty Entered By Court | | | |
| 04/28/2017 | Interim Condition for Berry, Duane Leroy - Cash or Surety \$100,000.00 | | | |
| 05/11/2017 | Preliminary Examination (9:00 AM) (Judicial Officer Ziolkowski, Robert L.) Parties Present | | | |
| | Result: Continued | | | |
| 05/18/2017 | Preliminary Examination (9:00 AM) (Judicial Officer Kavanagh, Sean P) Parties Present | | | |
| | Result: Continued | | | |
| 06/08/2017 | Preliminary Examination (9:00 AM) (Judicial Officer Kavanagh, Sean P) Parties Present | | | |
| | Result: Adjourned at the Request of the Court | | | |
| 06/15/2017 | Bindover Packet | | | |
| 06/15/2017 | Bound Over | | | |
| 06/15/2017 | Preliminary Examination (9:00 AM) (Judicial Officer Kavanagh, Sean P) Parties Present | | | |
| | Result: Held: Bound Over | | | |
| 06/15/2017 | Bond Continued | | | |
| 06/22/2017 | Arraignment On Information (9:00 AM) (Judicial Officer Hathaway, Dana Margaret) Parties Present | | | |
| | Result: Adjourned at the Request of the Court | | | |
| 07/13/2017 | Arraignment On Information (9:00 AM) (Judicial Officer Hathaway, Dana Margaret) Parties Present | | | |
| | Result: Adjourned at the Request of the Court | | | |
| 07/14/2017 | Arraignment On Information (9:00 AM) (Judicial Officer Hathaway, Dana Margaret) Parties Present | | | |
| | Result: Adjourned at the Request of the Court | | | |
| 07/18/2017 | Arraignment On Information (9:00 AM) (Judicial Officer Hathaway, Dana Margaret) Parties Present | | | |
| | Result: Adjourned at the Request of the Court | | | |
| 07/19/2017 | Arraignment On Information (9:00 AM) (Judicial Officer Hathaway, Dana Margaret) Parties Present | | | |
| | Result: Defendant Stands Mute; Plea Of Not Guilty Entered By Court | | | |
| 07/19/2017 | Order For A Competency Evaluation | | | |
| 07/19/2017 | Order For Criminal Responsibility | | | |

| | |
|------------|--|
| 07/19/2017 | Arraignment On Information (9:00 AM) (Judicial Officer Hathaway, Dana Margaret) <u>Parties Present</u> |
| 07/19/2017 | Result: Adjourned at the Request of the Court |
| 01/25/2018 | Attorney Appointed |
| 01/25/2018 | Competency Hearing (9:00 AM) (Judicial Officer Hathaway, Dana Margaret) <u>Parties Present</u> |
| | <i>10/25/2017 Reset by Court to 01/25/2018</i> |
| 03/12/2018 | Result: Adjourned at the Request of the Court |
| 04/16/2018 | Motion to Dismiss |
| 05/31/2018 | Competency Hearing (9:00 AM) (Judicial Officer Hathaway, Dana Margaret) <u>Parties Present</u> |
| | <i>04/26/2018 Reset by Court to 05/31/2018</i> |
| 07/20/2018 | Result: Adjourned at the Request of the Court |
| 07/20/2018 | Appearance By A Retained Attorney Filed |
| 07/25/2018 | Proof of Service, Filed |
| 07/25/2018 | Miscellaneous, Filed |
| 08/20/2018 | Motion to Dismiss |
| 08/20/2018 | Proof of Service, Filed |
| 08/31/2018 | Competency Hearing (9:00 AM) (Judicial Officer Roberson, Dalton A) <u>Parties Present</u> |
| | Result: Held |
| 08/31/2018 | Motion to Dismiss |
| 08/31/2018 | Order (Judicial Officer: Roberson, Dalton A) |
| 08/31/2018 | Competency Report Received |
| 08/31/2018 | Order Finding Defendant Incompetent |
| 11/29/2018 | Miscellaneous, Filed |
| 03/01/2019 | Competency Hearing (9:00 AM) (Judicial Officer Hathaway, Dana Margaret) |

EXHIBIT C

| | | |
|--|-------------------------------|--|
| STATE OF MICHIGAN 36TH JUDICIAL DISTRICT ORI820365J PIN: 2017-10745 | REGISTER OF ACTIONS | CASE NO: 1706173701 D01 FY STATUS: PEND |
| JUDGE OF RECORD: ADAMS, LYDIA NANCE, P-51424 JUDGE: ADAMS, LYDIA NANCE, P-51424 | | |
| STATE OF MICHIGAN v | | |
| BERRY/DUANE/LETROY 38742 BRAMHAM CLINTON TOWNSHIP MI 48038 | | CTN: 821771504401 TCN: W218203051K SID: ENTRY DATE: 11/08/17 OFFENSE DATE: 07/04/08 900 PM |
| DOB: 12/23/1977 SEX: M RACE: B VEH YR: VEH MAKE: | DLN: MI B600155512972 VIN: | VEHICLE TYPE: VPN: CDL: U PAPER PLATE: |
| DEFENSE ATTORNEY ADDRESS SCHWARTZ, JEFFREY G., 28411 NORTHWESTERN HWY STE 930 SOUTHFIELD MI 48034 OFFICER: DUPUIS KELLY | | BAR NO. P-32076 Telephone No. (313) 965-8168 DEPT: 0013001 |
| PROSECUTOR: BROOKINS, NATALIE FR VICTIM/DESC: DILLARD/BRITTINI/ | | P-76349 |
| COUNT 1 C/M/F: F 750520B1C PACC#750.520B1C CRIMINAL SEXUAL CONDUCT-1ST DEGREE (DURING FELONY) ARRAIGNMENT DATE: 01/09/18 PLEA: MUTE & NGBC PLEA DATE: 01/09/18 FINDINGS: DISPOSITION DATE: SENTENCING DATE: FINE COST ST.COST CON MIS.C. REST TOT FINE TOT DUE 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 JAIL SENTENCE: PROBATION: VEH IMMOB START DATE: NUMBER OF DAYS: VEH FORFEITURE: | | |
| BOND HISTORY: 3,000,000.00 CASH OR SURETY BOND CONTINUED | | |
| COUNT 2 C/M/F: F 750520B1C PACC#750.520B1C CRIMINAL SEXUAL CONDUCT-1ST DEGREE (DURING FELONY) ARRAIGNMENT DATE: 01/09/18 PLEA: PLEA DATE: FINDINGS: DISPOSITION DATE: SENTENCING DATE: FINE COST ST.COST CON MIS.C. REST TOT FINE TOT DUE 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 JAIL SENTENCE: PROBATION: VEH IMMOB START DATE: NUMBER OF DAYS: VEH FORFEITURE: | | |
| COUNT 3 C/M/F: F 750349 PACC#750.349 KIDNAPPING ARRAIGNMENT DATE: 01/09/18 PLEA: PLEA DATE: FINDINGS: DISPOSITION DATE: SENTENCING DATE: FINE COST ST.COST CON MIS.C. REST TOT FINE TOT DUE 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 JAIL SENTENCE: PROBATION: VEH IMMOB START DATE: NUMBER OF DAYS: VEH FORFEITURE: | | |

NAME: BERRY/DUANE/LETROY

CASE NO: 1706173701 PAGE 2

| DATE | ACTIONS, JUDGMENTS, CASE NOTES | INITIALS |
|----------|--|-----------------|
| 07/04/08 | | |
| 1 | ORIGINAL CHARGE CSC-1ST DEGR | 437 |
| 2 | ORIGINAL CHARGE CSC-1ST DEGR | 437 |
| 3 | ORIGINAL CHARGE KIDNAPPING | 437 |
| 10/16/17 | | |
| 1 | AUTHORIZATION OF COMPLAINT DATE PROS BROOKINS, NATALIE FR | 437 |
| 11/08/17 | FILING DATE 110817 | P-76349 437 |
| 1 | COMPLAINT ISSUANCE DATE MAG ECHARTEA, LAURA A., WARRANT ENTRY REQUESTED 110817 348P SYSIDNO (20:) GENERATED BY LEIN 46490220 | P-41489 437 253 |
| | WARRANT ENTERED INTO LEIN | 253 |
| | LEIN 2ND PARTY CHECK DONE FOR WARRANT ENTRY | 253 |
| 01/09/18 | | 826 |
| | WARRANT CANCELLATION REQUESTED | |
| | 10918 906A MISCELLANEOUS ACTION ALL COUNTS DEFENDANT SCHEDULED FOR ARRAIGNMENT CRTRM 134 (L.BROWN) | 548 |
| | WARRANT CANCELLATION ACCEPTED | 548 |
| | 10918 907A WARRANT CANCELED FROM LEIN | 548 |
| | TCN ADDED | 548 |
| | MISCELLANEOUS ACTION ALL COUNTS SCHEDULED FOR ARRAIGNMENT 010918 1030A SHERMAN, MILlicent D P-55767 | 495 |
| 1 | PRETRIAL RELEASE ORDER GENERATED CSC-1ST DEGR | 495 |
| | ARRAIGNMENT HELD CSC-1ST DEGR | 087 |
| | MAG SHERMAN, MILlicent D STOOD MUTE AND PLEA OF NOT GUILTY ENTERED BY COURT SCHEDULED FOR PROBABLE CAUSE CONFERENCE | 087 |
| | 011618 830A ADAMS, LYDIA NANCE, P-51424 087 SCHEDULED FOR EXAMINATION 012318 900A ADAMS, LYDIA NANCE, P-51424 087 CASH OR SURETY | 087 |
| | BOND SET \$3000000.00 | 087 |
| | NO CONTACT WITH VICTIM, DIRECTLY OR INDIRECTLY | 087 |
| | VIDEO RECORDING | 087 |
| | 3 MILLION CASH/SURETY | 087 |
| | BOND CONDITIONS IN LEIN | 087 |
| 01/16/18 | | |
| | PROCEEDING HELD ALL COUNTS | 073 |
| | JDG ADAMS, LYDIA NANCE, P-51424 073 PROS QUADER, SALMAAN TAHE P-73649 073 ATT SCHWARTZ, JEFFREY G. P-32076 073 REMOVED FROM CALENDAR 012318 900A ADAMS, LYDIA NANCE, P-51424 073 SCHEDULED FOR PROBABLE CAUSE CONFERENCE | 073 |
| | 012518 830A ADAMS, LYDIA NANCE, P-51424 073 BOND CONTINUED | 073 |
| | COURT REPORTER: F. COLEMAN-JORDAN CER/CSR/RPR #3466 | 073 |

NAME : BERRY/DUANE/LETROY

CASE NO: 1706173701 PAGE 3

| DATE | ACTIONS, JUDGMENTS, CASE NOTES | INITIALS |
|----------|--|-------------|
| | ADJOURNMENT REQUESTED BY DEFENDANT'S ATTORNEY | 073 |
| | ADJOURNMENT REQUESTED BY PROSECUTOR'S OFFICE | 073 |
| 01/25/18 | PROCEEDING HELD ALL COUNTS | 073 |
| | JDG ADAMS, LYDIA NANCE, | P-51424 073 |
| | PROS BROOKINS, NATALIE FR | P-76349 073 |
| | ATT SCHWARTZ, JEFFREY G. | P-32076 073 |
| | SCHEDULED FOR PROBABLE CAUSE CONFERENCE | |
| | 042618 830A ADAMS, LYDIA NANCE, | P-51424 073 |
| | BOND CONTINUED | 073 |
| | COURT REPORTER: B. TOMASI CSR #3098 | 073 |
| | ADJOURNMENT REQUESTED BY DEFENDANT'S ATTORNEY | 073 |
| | ADJOURNMENT REQUESTED BY PROSECUTOR'S OFFICE | 073 |
| | WAITING COMPETENCY REGARDING A FEDERAL AND STATE CASE. | 073 |
| | FORENSIC REPORT ON COMPLAINANT IS NOT READY | 073 |
| 04/26/18 | PROCEEDING HELD ALL COUNTS | 073 |
| | JDG ADAMS, LYDIA NANCE, | P-51424 073 |
| | PROS BROOKINS, NATALIE FR | P-76349 073 |
| | ATT SCHWARTZ, JEFFREY G. | P-32076 073 |
| | SCHEDULED FOR PROBABLE CAUSE CONFERENCE | |
| | 053118 900A ADAMS, LYDIA NANCE, | P-51424 073 |
| | BOND CONTINUED | 073 |
| | COURT REPORTER: A. PILLOW CSR #5665 | 073 |
| | ADJOURNMENT REQUESTED BY DEFENDANT'S ATTORNEY | 073 |
| | ADJOURNMENT REQUESTED BY PROSECUTOR'S OFFICE | 073 |
| | COMPETENCY HEARING PENDING IN CIRCUIT AND FEDERAL COURT. | 073 |
| | | 073 |

***** END OF REGISTER OF ACTIONS ***** 05/29/18 10:11

EXHIBIT D

Original - Court
1st copy - Custodial officer
2nd copy - Transport officer

3rd copy - Prosecutor
4th copy - Return

Approved, SCAO

| | | | |
|------|--|-----------------------|------------------------|
| 16th | STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT | WRIT OF HABEAS CORPUS | CASE NO. 15L04661FY |
|------|--|-----------------------|------------------------|

Court address

32765 FIVE MILE RD. LIVONIA MI 48154

Court telephone no.

734-466-2500

IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN:

TO: MIDLAND COUNTY JAIL, the agency or person having custody of

BERRY, DUANE LETROY

90937

12-23-1977

Name

I.D. no.

Date of birth

To bring prisoner to court in the case of:
People of
v STATE OF MICHIGAN

To inquire into detention/custody of:

BERRY, DUANE LETROY

IT IS ORDERED:

1. Answer this writ, stating the authority under which you restrain the prisoner. exercise custody over the minor child. File your answer with the court judge by _____ Date
2. Deliver the person named in this writ into the custody of LIVONIA POLICE DEPARTMENT
Name/Title/Agency
for: the prosecution of MDOB \$1,000-\$2,000 750.03803A felony. misdemeanor.
Charge and MCL citation or PACC code
 EXAMINATION HEARING
Specify purpose (witness testimony, etc.).

Immediately after the prisoner completes his/her appearance, the prisoner shall be returned to your custody.

3. Bring the person named in this writ before the Honorable JUDGE SEAN P. KAVANAGH
Name 35676
Bar no.
at 32765 FIVE MILE RD. LIVONIA MI 48154, on JUNE 15, 2017 at 10:00AM
Location of court Date Time

Bring this writ with you.

4. Produce the prisoner via compatible two-way interactive video technology for the purpose indicated above on

Date at Time

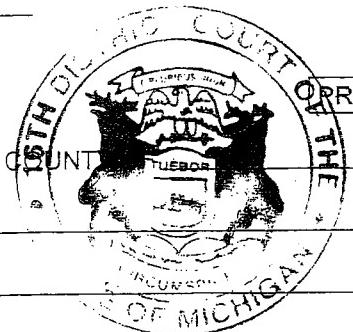
5. Fees are allowed in the amount of \$ _____

6-13-17

Judge

Bar no.

Date



STATE OF MICHIGAN, COURT OF APPEALS

I certify that on _____, I personally served the original writ of habeas corpus on _____ at _____, Name _____

Date MC 203 (5/16) WRIT OF HABEAS CORPUS

Signature

MCL 600.4301 et seq., MCR 3.304

(984)832-4612

| | | | | |
|--|--|---|---|---|
| Approved 06/23/17 | Entered Court Date 06/23/17 Officer (Signature) Officer (Title) | Entered Clerk's Office Date 06/23/17 Officer (Signature) Officer (Title) | Entered Sheriff's Office Date 06/23/17 Officer (Signature) Officer (Title) | Entered Sheriff's Office Date 06/23/17 Officer (Signature) Officer (Title) |
| STATE OF MICHIGAN THIRTEEN JUDICIAL CIRCUIT WAYNE COUNTY | | WRIT OF HABEAS CORPUS | | |
| IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN: <i>(D.S.M.S.)</i> | | DETROIT, MI 48226 - 0001 - 201 | | |
| TO: Midland County Sheriff's Dept; 101 East Lee, Dr., Midland, MI 48642 CUSTODY OF Duane Letroy Berry | | THE AGENCY OR PERSON HAVING Name 90937 ID no. Date of birth 12/23/1977 | | |
| <input checked="" type="checkbox"/> To bring prisoner to court in the case of: People of the State of Michigan v Duane Letroy Berry | | <input type="checkbox"/> To inquire into detention/custody of: | | |
| YOU ARE ORDERED to: 1. <input type="checkbox"/> Answer this writ, stating the authority under which you <input type="checkbox"/> restrain the named prisoner, File your answer with the <input type="checkbox"/> court exercise custody over the minor child. by _____ 2. <input checked="" type="checkbox"/> Deliver the person named in this writ into the custody of Wayne County Sheriff's Dept.; WCI for: <input checked="" type="checkbox"/> the prosecution of MCL 750.3803A; MDOP <\$20,000 <input checked="" type="checkbox"/> felony. <input type="checkbox"/> misdemeanor, <input checked="" type="checkbox"/> <i>Arraignment on the Motion</i> Specify purpose (witness testimony, etc.) | | | | |
| Immediately after the prisoner completes his/her appearance, the prisoner shall be returned to your custody. 3. <input checked="" type="checkbox"/> Bring the person named in this writ before the Honorable Dana Margaret Hathaway at Courtroom 701 1441 St. Antoine, Detroit, MI 48224, on 07/13/2017, at 8:30 a.m. m Bring this writ with you. | | | | |
| Clerk of the Court <i>Dana Margaret Hathaway</i> | | | | |
| CERTIFICATE OF ALLOWANCE OF WRIT I, Dana Margaret Hathaway, P. 68588, certify that the above writ of habeas corpus was allowed by me on 06/23/2017 Bar no. _____, Fees are allowed in the amount of \$ _____ <i>Dana Margaret Hathaway</i> | | | | |

MC 203 (5/16) WRIT OF HABEAS CORPUS

MCI 600-4301 et seq., MCR 3.304

025



Booking Sheet

BERRY , DUANE

Print Date/Time: 11/6/2017



WAYNE COUNTY SHERIFF'S OFFICE

ORI Number: MI8218200



2017-00014799

Booking #: 2017-00014799**Jacket #:** 196757**Sid#****FBI #****Address:** 28500 N.EW. HWY 344 SOUTHFIELD , MI**Booking Date/Time:** 07/11/2017 21:34:16**Classification Level:****Scheduled Release Date:**

| | | |
|--------------------------|------------------------|--------------------|
| Weight: 170.0 | DOB: 12/23/1977 | Race: Black |
| SSN: | Age: 39 | |
| Hair Color: Black | Eyes: Brown | Sex: Male |

Height: 6ft 1in

| | | | |
|--------------------------------------|------------------------------|--------------|-------------|
| Prisoner Type: Pretrial Felon | Incarceration Reason: | | |
| Facility: | Pod/Block: | Cell: | Bed: |

| | | |
|---|---------------------|---------------|
| Release Date/Time: 07/20/2017 09:58:24 | Released By: | 3903 MEINHEIT |
|---|---------------------|---------------|

| | |
|--|--|
| Release Reason: WS-WRIT SATISFIED | |
|--|--|

| | |
|---------------------|-------------------------|
| Released To: | Released to ORI: |
|---------------------|-------------------------|

| |
|---|
| Released To Additional Info: ON WRIT FROM MIDLAND CO. SHERIFFS - HOLD FOR US MARSHALS - NO BOND - CONTACT 989-832-6605 |
|---|

| <u>Alert Type</u> | <u>Alert Description</u> | <u>Alert Effective Date</u> | <u>Alert Expiration Date</u> | <u>Alert Priority</u> |
|-------------------|--------------------------|-----------------------------|------------------------------|-----------------------|
| No Kitchen Work | NO KIT WK | 02/27/2013 16:34:10 | | 1 |

Charge: WAYNE COUNTY SHERIFF'S OFFICE**State /** 29000 / 750.3803A / **MALICIOUS DESTRUCTION OF BUILDING - \$1000 OR MORE BUT LESS THAN \$20000 Charge Disposition:** **WS-WRIT SATISFIED****Offense/Charge Date/Time:** 07/11/2017 21:36:23**Court Date/Time:****Case Tracking ORI:** MI8218200**Court:****Bond/Bail Set Type:** Remand**Docket Number:** 17-005237-01-FH**Bond Post Comment:****Bond/Bail Set Amounts:** \$0.00/\$0.00**Bond Post Amount:****Out Date:**



Inmate Grievance Response Form



2 Dept Sup Review

Print Date/Time: 01/23/2019 10:22

Login ID: 5120

Grievance Number: 2019-00000034

WAYNE COUNTY SHERIFF'S OFFICE

ORI Number: MI8218200

To: BERRY, DUANE - 09 A4-14 4-Annex DIV 2

Inmate's Name and Location

From: 5119 - CRAWFORD

Staff Supervisor

Grievance Details: PLEASE SEE ATTACH

NOT GETTING RESPONSE TO GRIEVANCE

Response to Grievance dated: 01/10/2019 16:01 Received by: 5119 - CRAWFORD

Response: Reviewed. There are two grievances on file for you, this grievance (2019-0034) and grievance number (2019-0043). Ms. Rose will provide you with copies of your grievance responses for both grievances.

Also, I have forwarded to Dir.of Classification for review and response.

Signature

Date



INMATE GRIEVANCE FORM

Inmate Name: DUANE Berry Jail ID# 2013-27354 Ward: 1303 Date: 12/27
 Received By: Bun Date: 1/7/19 Time: _____
 Staff Print Your Name

Nature of Grievance:

I have filed several grievances over the last several months in regard to my (WRT) here to the inmate unit.

Inmate Effort to Resolve with Staff (Explain):

Please check my file and give me the RESPONSE to the previous grievances as I have been unable to obtain because I always get (WRT) out)

(Attach Additional Sheets if Necessary)

Inmate Signature:  Date: 12/27 QAA Initial/Date: M 1/7/19
 Reviewed/Processed

Grievance Response

Referral To: Director Crawford Date: 1/7/19

Answer: _____

Investigated By: _____ Date: _____

Supervisor's Signature: _____ Date: _____

() Appeal to Director or Designee Date: _____

Response to Appeal: _____

By: _____ Date: _____ JD #11 (Revised 7/10/09)

To
Supervisor 18-43WAYNE COUNTY SHERIFF'S OFFICE
INMATE GRIEVANCE FORMInmate Name: DUANE L. BERRYWCJ ID# 2019-027354Inmate Ward: DIV 2 14 411Date: 1-9-19

Nature of Grievance:

I have filed several grievances in regards to my voluntarily issued writ from federal custody held at the Wayne County Jail over the last several months. I have not received any response. Please provide copies of grievances and responses for Federal Court - Search Hatch Civil Refund #19-10585 (Berry v. Hopkins)

Efforts to Resolve with Staff:

Inmate Signature: [Signature]Date: 1-9-19Grievance Received By: MS. RoseDate: 1-9-19

Grievance Response

Referral To: Dir. CrawfordDate: 1-9-19

Answer:

Investigated By:

Date:

Noted and Approved

Supervisor's Signature:

Date:

 Appeal to Director or Designee

Date:

Response to Appeal:

By:

Date:

(Attach Additional Sheets if Necessary)

CP (Revised 3/1/2013)

1-2

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DUANE LETROY BERRY,
Plaintiff,

Case No. 2:18-cv-10585
Judge: Arthur J. Tarnow
MJ: Stephanie Dawkins Davis

-v-

BENNY N. NAPOLEON,
DANA M. HATHAWAY,
SEAN P. KAVAHAGH, and
LYDIA N. ADAMS,

Defendants.

Duane Leroy Berry
In Pro Se
105 Fast Ice Drive
Midland, MI 48642

Ellen Sharf (P37711)
Attorney for Defendant Dana M. Hathaway
Office of the General Counsel
Associate General Counsel-Civil Division
742 Coleman A. Young Municipal Center
2 Woodward Avenue
Detroit, MI 48226
(313) 224-8805
ellen.sharf@3rdcc.org

**DEFENDANT DANA M. HATHAWAY'S BRIEF IN SUPPORT OF
MOTION TO QUASH SUBPOENA OF FEBRUARY 20, 2018**

CONCISE STATEMENT OF ISSUES PRESENTED

1. Whether the subpoena of February 20, 2018 seeks information that is irrelevant.

EXHIBIT E

x

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

No. 17-2168

UNITED STATES OF AMERICA,
Plaintiff-Appellee,
v.

DUANE LETROY BERRY,
Defendant-Appellant.

FILED
Dec 19, 2018
DEBORAH S. HUNT, Clerk

Before: MERRITT, CLAY, and BUSH, Circuit Judges.

JUDGMENT

On Appeal from the United States District Court
for the Eastern District of Michigan at Detroit.

THIS CAUSE was heard on the record from the district court and was argued by counsel.

IN CONSIDERATION THEREOF, it is ORDERED that the district court's order compelling Duane Letroy Berry to be involuntarily medicated is REVERSED and VACATED.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

EXHIBIT F

CRAIG A. DALY, P.C.
Attorney at Law

FORD BUILDING
615 GRISWOLD, SUITE 820
DETROIT, MICHIGAN 48226
313 963-1455

January 18, 2019

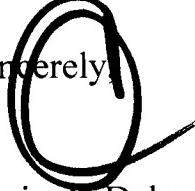
Duane Berry, Subject #196757
Wayne County Jail
525 Clinton Street
Detroit, Michigan 48226

Re: *U.S.A. vs. Berry, File No. 15-30528*

Dear Mr. Berry:

Enclosed is a copy of the Sixth Circuit decision in your case. The government has until February 2, 2019 to decide if they will seek a rehearing. If they do not, I expect that your case likely will be dismissed in the district court.

Sincerely,


Craig A. Daly, P.C.

CAD/mdz

enclosure

CIVIL COVER SHEET FOR PRISONER CASES

| | | |
|---|---|---|
| Case No. 19-10397 | Judge: Stephen J. Murphy, III | Magistrate Judge: Elizabeth A. Stafford |
| Name of 1 st Listed Plaintiff/Petitioner: DUANE L. BERRY | Name of 1 st Listed Defendant/Respondent: STATE OF MICHIGAN ET AL | |
| Inmate Number: 62250-019 | Additional Information: | |
| Plaintiff/Petitioner's Attorney and Address Information: | | |
| Correctional Facility: MIDLAND COUNTY JAIL 101 Fast Ice Dr. Midland, 48642 | | |

BASIS OF JURISDICTION

- 2 U.S. Government Defendant
 3 Federal Question

ORIGIN

- 1 Original Proceeding
 5 Transferred from Another District Court
 Other:

NATURE OF SUIT

- 530 Habeas Corpus
 540 Mandamus
 550 Civil Rights
 555 Prison Conditions

FEE STATUS

- IFP *In Forma Pauperis*
 PD Paid

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

- Yes No

➤ If yes, give the following information:

Court: _____

Case No: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

- Yes No

➤ If yes, give the following information:

Court: _____

Case No: _____

Judge: _____